

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RICK CRUZ-MANJARREZ,

CV 04-1811-AS

Plaintiff,

ORDER

v.

CITY OF PORTLAND, PORTLAND
POLICE BUREAU, OFFICER GORE,
OFFICER PRESTON, OFFICER JONES,
OFFICER POOL, OFFICER BAXTER,
DETECTIVE HALLIBURTON, and,
K-9 DOG DENY,

Defendants.

RICK CRUZ-MANJARREZ
SID No. 7773603
Columbia River Correctional Institution
9111 N.E. Sunderland Avenue
Portland, OR 97211

Plaintiff, *Pro Se*

LINDA MENG
City Attorney
J. SCOTT MOEDE
Deputy City Attorney
1221 S.W. Fifth Avenue, Room 430
Portland, OR 97204
(503) 823-4047

Attorneys for Defendants

BROWN, Judge.

Magistrate Judge Donald C. Ashmanskas issued Findings and Recommendation (#21) on May 13, 2005, in which he recommended this Court grant Defendants' Motions to Dismiss (#11, #14) Plaintiff's claims against Defendant K-9 Deny and Plaintiff's claims of excessive force against Defendants pursuant to the Eighth Amendment. The Magistrate Judge also recommended this Court grant Defendants' Motions to Dismiss Plaintiff's Fourteenth Amendment equal protection claim and Plaintiff's claims against the Portland Police Bureau with leave to amend the Complaint to cure the deficiencies as to these two claims. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

Although Plaintiff filed a "Response to Findings and Recommendation," Plaintiff indicates in that document that he does not object to the Findings and Recommendation. This Court, therefore, is relieved of its obligation to review the record *de novo*. *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). *See also Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8th Cir. 1983). Having reviewed the legal principles *de novo*, the Court finds no error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Ashmanskas's Findings and

Recommendation (#21). Accordingly, the Court **GRANTS** Defendants' Motions to Dismiss (#11, #14) as to Plaintiff's claims against Defendant K-9 Deny and Plaintiff's claims of excessive force against Defendants pursuant to the Eighth Amendment. The Court also **GRANTS** Defendants' Motions to Dismiss as to Plaintiff's Fourteenth Amendment equal protection claim and Plaintiff's claims against the Portland Police Bureau with leave to amend the Complaint by August 29, 2005, to cure the deficiencies as to these two claims.

IT IS SO ORDERED.

DATED this 28th day of July, 2005.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge